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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,960	05/31/2006	Peter Praest	7251/97271	1359
24628 7590 04/27/2009 Husch Blackwell Sanders, LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606				
			EXAMINER	
			STOKELY-COLLINS, JASMINE N	
			ART UNIT	PAPER NUMBER
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			04/27/2009 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/580,960

**Applicant(s)**

PRAEST, PETER

**Examiner**

JASMINE STOKELY-COLLINS

**Art Unit**

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4-6, 8, 10, 14-16, 18, and 20 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Claims 7, 9, 17, and 19 are also objected to for being dependant on improper multiple dependant claims. The claims have been further treated on the merits, as best understood by the examiner, for the purposes of advancing prosecution. For the purposes of examination, dependency for the above listed claims will be considered to be only on those claims which could be properly depended upon.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 10, 11-12, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wahlroos (US 2003/0232593 A1).

Regarding claim 1, Wahlroos teaches an interactive television method (abstract) comprising:  
receiving, via a broadcast carousel (pg. 2 sect. 0025 teaches the digital stream

may be in a DVB format. DVB uses carousels to transmit data and objects), a photo feed comprising a plurality of still video pictures (fig. 2 step 202 and pg. 2 sect. 0029 teach sending a video stream to a user. A video stream is a collection of still images/frames in sequence.); sequentially displaying the plurality of still video pictures on a display (fig. 2 step 206); enabling a first user to select at least one still video picture from the photo feed (fig. 2 step 208-210); producing a wallet of pictures (fig. 5: see picture icon 516 and pg. 3 sect. 0038, where a wallet is defined by the applicant as "an inventory of images stored from the steady stream of still video pictures and indicated, typically, by thumbnails") by storing the at least one selected still video picture, selected by the 1st user, in a memory (fig. 2 step 212); and forwarding the wallet of pictures to a second user (fig. 4).

Regarding claim 2, when read in light of claim 1, Wahlroos further teaches the sequentially displaying comprises displaying the plurality of still video pictures starting from a current video picture in a display queue (television video streams are inherently displayed in sequence from a decoder).

Regarding claim 10, when read in light of claims 1 or 2, Wahlroos further teaches the receiving comprises tuning to a channel comprising the photo feed

(pg. 2 sect. 0029, where tuning to a channel is inherent when receiving a broadcast), and the producing comprises producing the wallet of pictures for as long as the channel is not changed (Wahlroos's invention does not limit the number of pictures a user may store. User can continue to capture pictures for the duration of the channel viewing).

Regarding claim 11, Wahlroos teaches a Set-top Box (STB) (abstract: digital broadcast receiver) in an interactive television system, the STB comprising:

a receiving unit (fig. 1: input port 106) receiving, via a broadcast carousel (pg. 2 sect. 0025 teaches the digital stream may be in a DVB format. DVB uses carousels to transmit data and objects), a photo feed comprising a plurality of still video pictures (fig. 2 step 202 and pg. 2 sect. 0029 teach sending a video stream to a user. A video stream is a collection of still images/frames in sequence.), and sequentially displaying the plurality of still video pictures on a display (fig. 2 step 206);

a memory (fig. 1 memory 124);

a processor (fig. 1: CPU 122) enabling a first user to select at least one still video picture from the photo feed, and producing a wallet of pictures by storing the at least one selected still video picture, selected by the first user, in the memory (fig. 2 step 212, fig. 5: see picture icon 516 and pg. 3 sect. 0038, where a wallet is defined by the applicant as "an inventory of images stored from the steady

stream of still video pictures and indicated, typically, by thumbnails"); and a transmitting unit (fig. 1: short range transceiver 125) forwarding the wallet of pictures to a second user (fig. 4).

Regarding claim 12, when read in light of claim 11, Wahlroos further teaches the receiving unit sequentially displays the plurality of still video pictures on the display starting from a current video picture in a display queue (television video streams are inherently displayed in sequence from a decoder).

Regarding claim 20, when read in light of claims 11 or 12, Wahlroos further teaches the receiving unit also tunes to a channel comprising the photo feed (pg. 2 sect. 0029, where tuning to a channel is inherent when receiving a broadcast), and the processor produces the wallet of pictures for as long as the channel is not changed (Wahlroos's invention does not limit the number of pictures a user may store. User can continue to capture pictures for the duration of the channel viewing).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahlroos (US 2003/0232593 A1) in view of Karaoguz et al (US 7,257,549 B2).

Regarding claim 3, when read in light of claim 1 or claim 2, Wahlroos teaches the system of claim 1 and the system of claim 2.

Wahlroos does not teach the producing comprises producing the wallet of pictures in response to receipt of an indication of agreement to pay for the producing.

Karaoguz teaches a system for user transactions in which a user selects a service, which can be storage of still images (abstract), and receives the service after payment authorization (fig. 2B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the billing scheme disclosed by Karaoguz in the system of claims 1 or 2 for the benefit of providing a secure and reliable system for a user to compensate a vendor for media.

Regarding claim 4, when read in light of claims 1 and 2, Wahlroos teaches the method according to any of claims 1 and 2.

Wahlroos does not teach the forwarding comprises forwarding the wallet of pictures in response to receipt of an indication of agreement to pay for the forwarding by one of the following: the first user; and the second user.

Karaoguz teaches a system for user transactions in which a user selects a service, which can be the exchange of still images (abstract), and receives the service after payment authorization (fig. 2B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the billing scheme disclosed by Karaoguz in the system of claims 1 or 2 for the benefit of providing a secure and reliable system for a user to compensate a vendor for media.

Regarding claim 13, when read in light of claim 11 or claim 12, Wahlroos teaches the STB according to claim 11 or claim 12.

Wahlroos does not teach the processor produces the wallet of pictures in response to receipt of an indication of agreement to pay for the producing. Karaoguz teaches a system for user transactions in which a user selects a service, which can be storage of still images (abstract), and receives the service after payment authorization (fig. 2B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the billing scheme disclosed by Karaoguz in the system of claims 1 or 2 for the benefit of providing a secure and reliable system for a user to compensate a vendor for media.

Regarding claim 14, when read in light of claims 11 and 12, Wahlroos teaches the STB according to any of claims 11-12.



Wahlroos does not teach the transmitting unit forwards the wallet of pictures in response to receipt of an indication of agreement to pay for the forwarding by one of the following: the first user; and the second user.

Karaoguz teaches a system for user transactions in which a user selects a service, which can be the exchange of still images (abstract), and receives the service after payment authorization (fig. 2B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the billing scheme disclosed by Karaoguz in the system of claims 1 or 2 for the benefit of providing a secure and reliable system for a user to compensate a vendor for media.

6. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahlroos (US 2003/0232593 A1) in view of Eldering et al (US 6,704,930 B1).

Regarding claim 5, when read in light of claim 1 or 2, Wahlroos teaches the method according to any of claims 1 and 2.

Wahlroos does not teach the photo feed comprises at least one targeted advertisement for at least one of the following: the first user; and the second user.

Eldering teaches a method for inserting targeted advertising in a program stream (abstract, col. 8 ll. 25-31). It would have been obvious to one of ordinary

skill in the art to include targeted advertising in the system taught by Wahlroos for the benefit of generating funds to subsidize the programming (col. 1 ll. 14-16).

Regarding claim 15, when read in light of claim 1 or 2, Wahlroos teaches the STB according to any of claims 11 – 12.

Wahlroos does not teach the photo feed comprises at least one targeted advertisement for at least one of the following: the first user; and the second user.

Eldering teaches a method for inserting targeted advertising in a program stream (abstract, col. 8 ll. 25-31). It would have been obvious to one of ordinary skill in the art to include targeted advertising in the system taught by Wahlroos for the benefit of generating funds to subsidize the programming (col. 1 ll. 14-16).

7. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahlroos (US 2003/0232593 A1) in view of Harrington (US 2003/0145338 A1).

Regarding claim 6, when read in light of claims 1 or 2, Wahlroos teaches the method according to any of claims 1 and 2.

Wahlroos does not teach every one of a predetermined number of still video pictures in the photo feed comprises an advertisement.

Harrington teaches a system for displaying a flash movie in which a logo for an advertiser (where a logo qualifies as an advertisement) is displayed every

"x" number of frames. While Harrington's invention is embodied using flash movies, the taught concept of displaying a logo every "x" number of frames could easily be applied to any program stream using known ad insertion techniques. It would have been obvious to one of ordinary skill in the art to display advertising images during regular intervals in a program stream for the benefit of exposing advertisers and generating revenue from advertisers.

Regarding claim 16, when read in light of claims 11 or 12, Wahlroos teaches the STB according to any of claims 11 – 12.

Wahlroos does not teach every one of a predetermined number of still video pictures in the photo feed comprises an advertisement.

Harrington teaches a system for displaying a flash movie in which a logo for an advertiser (where a logo qualifies as an advertisement) is displayed every "x" number of frames. While Harrington's invention is embodied using flash movies, the taught concept of displaying a logo every "x" number of frames could easily be applied to any program stream using known ad insertion techniques. It would have been obvious to one of ordinary skill in the art to display advertising images during regular intervals in a program stream for the benefit of exposing advertisers and generating revenue from advertisers.

8. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahlroos (US 2003/0232593 A1) in view of Harrington (US 2003/0145338 A1), and further in view of Eldering et al (US 6,704,930 B1).

Regarding claim 7, when read in light of claim 6, Wahlroos in view of Harrington teaches the method according to claim 6.

Wahlroos in view of Harrington does not teach the advertisement is targeted for at least one of the following: the first user; and the second user.

Eldering teaches a method for inserting targeted advertising in a program stream (abstract, col. 8 ll. 25-31). It would have been obvious to one of ordinary skill in the art to include targeted advertising in the system taught by Wahlroos for the benefit of generating funds to subsidize the programming (col. 1 ll. 14-16).

Regarding claim 17, when read in light of claim 16, Wahlroos in view of Harrington teaches the STB according to claim 16.

Wahlroos in view of Harrington does not teach the advertisement is targeted for at least one of the following: the first user; and the second user.

Eldering teaches a method for inserting targeted advertising in a program stream (abstract, col. 8 ll. 25-31). It would have been obvious to one of ordinary skill in the art to include targeted advertising in the system taught by Wahlroos for the benefit of generating funds to subsidize the programming (col. 1 ll. 14-16).

9. Claim 8-9 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahlroos (US 2003/0232593 A1) in view of Bruck et al (US 2006/0085824).

Regarding claim 8, when read in light of claims 1 or 2, Wahlroos teaches the method according to any of claims 1 – 2.

Wahlroos does not teach using a web-interface for storing the wallet content in a large-capacity external memory.

Wahlroos teaches an internal memory for storing content, however external memories for set-top boxes are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an external memory for the storage of content received by a set-top box for the benefit of expanding the storage space of a set-top box and thereby enabling a user to save more content.

Bruck teaches an Internet accessible web interface for providing a view of content stored on a set-top box (pg. 2 sect. 0018). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the web interface taught by Bruck for accessing the content stored in Wahlroos's set-top box for the benefit of providing seamless and unified content management, content discovery over the Internet and account management (pg. 2 sect. 0014).

Regarding claim 9, when read in light of claim 8, Wahlroos in view of Bruck further teaches the large-capacity external memory comprises a web-wallet (Wahlroos fig. 5: see picture icon 516 and pg. 3 sect. 0038, where a wallet is defined by the applicant as "an inventory of images stored from the steady stream of still video pictures and indicated, typically, by thumbnails", pg. 2 sect. 0027).

Regarding claim 18, when read in light of claims 11 or 12, Wahlroos teaches the STB according to any of claims 11 – 12.

Wahlroos does not teach a web-interface for enabling storage of the wallet content in a large-capacity external memory.

Wahlroos teaches an internal memory for storing content, however external memories for set-top boxes are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an external memory for the storage of content received by a set-top box for the benefit of expanding the storage space of a set-top box and thereby enabling a user to save more content.

Bruck teaches an Internet accessible web interface for providing a view of content stored on a set-top box (pg. 2 sect. 0018). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the web interface taught by Bruck for accessing the content stored in Wahlroos's set-top box for the benefit of providing seamless and unified content

management, content discovery over the Internet and account management (pg. 2 sect. 0014).

Regarding claim 19, when read in light of claim 18, Wahlroos in view of Bruck further teaches the large-capacity external memory comprises a web-wallet (Wahlroos fig. 5: see picture icon 516 and pg. 3 sect. 0038, where a wallet is defined by the applicant as "an inventory of images stored from the steady stream of still video pictures and indicated, typically, by thumbnails", pg. 2 sect. 0027).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone number is (571) 270-3459. The examiner can normally be reached on M-Th 9:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jasmine Stokely-Collins/  
Examiner, Art Unit 2423

/Andrew Y Koenig/  
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